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Nathl. Peabody
REPORT, OR MANIFESTO

OF THE

CAUSES AND REASONS

OF

WAR WITH GREAT BRITAIN,

PRESENTED TO THE

HOUSE OF REPRESENTATIVES

BY

THE COMMITTEE OF FOREIGN RELATIONS.

JUNE 3, 1812.

Read, and ordered to lie on the table.

WASHINGTON :

A. & G. WAY, PRINTERS

1812.

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Nathl. P. Akody

REPORT.

The committee on foreign relations to whom was referred the message of the president of the United States, of the 1st of June, 1812,

REPORT....

THAT after the experience which the United States have had of the great injustice of the British government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their patient forbearance, than the measures to which it has become necessary to resort, to avenge the wrongs and vindicate the rights and honor of the nation. Your committee are happy to observe, on a dispassionate view of the conduct of the United States, that they see in it no cause for censure.

If a long forbearance under injuries ought ever to be considered a virtue in any nation, it is one which peculiarly becomes the United States. No people ever had stronger motives to cherish peace: none have ever cherished it with greater sincerity and zeal.

But the period has now arrived, when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other, is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power and commercial avarice of Great Britain, arrogating to herself the complete dominion of the ocean, and exercising over it an unbounded and lawless tyranny, have left to neutral

nations an alternative only between the base surrender of their rights, and a manly vindication of them. Happily for the United States their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress.

More than seven years have elapsed, since the commencement of this system of hostile aggression by the British government, on the rights and interests of the United States. The manner of its commencement was not less hostile than the spirit with which it has been prosecuted. The United States have invariably done every thing in their power to preserve the relations of friendship with Great Britain. Of this disposition they gave a distinguished proof at the moment when they were made the victims of an opposite policy. The wrongs of the last war had not been forgotten at the commencement of the present one. They warned us of dangers, against which it was sought to provide. As early as the year 1804, the minister of the United States at London was instructed to invite the British government to enter into a negotiation on all the points on which a collision might arise between the two countries, in the course of the war, and to propose to it an arrangement of their claims, on fair and reasonable conditions. The invitation was accepted. A negotiation had commenced and was depending, and nothing had occurred to excite a doubt that it would not terminate to the satisfaction of both the parties. It was at this time, and under these circumstances, that an attack was made, by surprise, on an important branch of the American commerce, which affected every part of the United States, and involved many of their citizens in ruin.

The commerce on which this attack was so unexpectedly made, was that between the United States

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and the colonies of France, Spain and other enemies of Great Britain. A commerce just in itself ; sanctioned by the example of Great Britain in regard to the trade with her own colonies ; sanctioned by a solemn act between the two governments in the last war ; and sanctioned by the practice of the British government in the present war : more than two years having then elapsed, without any interference with it.

The injustice of this attack could only be equalled by the absurdity of the pretext alleged for it. It was pretended by the British government, that in case of war, her enemy had no right to modify its colonial regulations, so as to mitigate the calamities of war to the inhabitants of its colonies. This pretension, peculiar to G. Britain, is utterly incompatible with the rights of sovereignty in every independent state. If we recur to the well established, and universally admitted law of nations, we shall find no sanction to it in that venerable code. The sovereignty of every state is co-extensive with its dominions, and cannot be abrogated, or curtailed in its rights, as to any part, except by conquest. Neutral nations have a right to trade to every port of either belligerent, which is not legally blockaded ; and in all articles which are not contraband of war. Such is the absurdity of this pretension, that your committee are aware, especially after the able manner in which it has been heretofore refuted and exposed, that they would offer an insult to the understanding of the house, if they enlarged on it ; and if any thing could add to the high sense of the injustice of the British government in this transaction, it would be the contrast which her conduct exhibits in regard to this trade, and in regard to a similar trade by neutrals, with her own colonies. It is known to the world that Great Britain regulates her own trade, in war and in peace, at home and in her colonies, as she finds for her interest : that in war she relaxes the restraints of her colonial system in favor of the colonies, and that it never was suggested that she had not

a right to do it ; or that a neutral in taking advantage of the relaxation violated a belligerent right of her enemy. But with Great Britain every thing is lawful. It is only in a trade with her enemies, that the United States can do wrong : with them all trade is unlawful.

In the year 1793 an attack was made by the British government on the same branch of our neutral trade, which had nearly involved the two countries in war. That difference however was amicably accommodated. The pretension was withdrawn and reparation made to the United States for the losses which they had suffered by it. It was fair to infer from that arrangement, that the commerce was deemed by the British government lawful, and that it would not be again disturbed.

Had the British government been resolved to contest this trade with neutrals, it was due to the character of the British nation that the decision should be made known to the government of the United States. The existence of a negotiation which had been invited by our government, for the purpose of preventing differences, by an amicable arrangement of their respective pretensions, gave a strong claim to the notification, while it afforded the fairest opportunity for it. But a very different policy animated the then cabinet of England. Generous sentiments were unknown to it. The liberal confidence and friendly overtures of the United States were taken advantage of to ensnare them. Steady to its purpose and inflexibly hostile to this country, the British government calmly looked forward to the moment when it might give the most deadly wound to our interests. A trade, just in itself, which was secured by so many strong and sacred pledges, was considered safe. Our citizens, with their usual industry and enterprize, had embarked in it a vast proportion of their shipping and of their capital, which were at sea under no other protection than the law of nations, and the confidence

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which they reposed in the justice and friendship of the British nation. At this period the unexpected blow was given. Many of our vessels were seized, carried into port and condemned by a tribunal, which, while it professes to respect the law of nations, obeys the mandate of its own government in opposition to all law. Hundreds of other vessels were driven from the ocean, and the trade itself in a great measure suppressed.

The effect produced by this attack on the lawful commerce of the United States, was such as might have been expected from a virtuous, independent, and highly injured people. But one sentiment pervaded the whole American nation. No local interests were regarded, no sordid motives felt. Without looking to the parts which suffered most, the invasion of our rights was considered a common cause, and from one extremity of our union to the other was heard the voice of an united people, calling on their government to avenge their wrongs, and vindicate the rights and honor of the country.

From this period the British government has gone on in a continued encroachment on the rights and interests of the U. States, disregarding in its course, in many instances, obligations which have heretofore been held sacred by civilized nations.

In May, 1806, the whole coast of the continent from the Elbe to Brest, inclusive, was declared to be in a state of blockade. By this act, the well established principles of the law of nations, principles which have served for ages as guides, and fixed the boundary between the rights of belligerents and neutrals, were violated. By the law of nations, as recognized by G. Britain herself, no blockade is lawful unless it be sustained by the application of an adequate force; and that an adequate force was applied to this blockade, in its full extent, ought not to be pretended. Whether G. Britain was able to maintain legally, so extensive a blockade, considering the war in which

she is engaged, requiring such extensive naval operations, is a question which it is not necessary at this time to examine. It is sufficient to be known that such force was not applied, and this is evident from the terms of the blockade itself, by which, comparatively, an inconsiderable portion of the coast only, was declared to be in a state of strict and rigorous blockade. The objection to the measure is not diminished by that circumstance. If the force was not applied, the blockade was unlawful, from whatever cause the failure might proceed. The belligerent who institutes the blockade cannot absolve itself from the obligation to apply the force, under any pretext whatever. For a belligerent to relax a blockade which it could not maintain, with a view to absolve itself from the obligation to maintain it, would be a refinement in injustice not less insulting to the understanding than repugnant to the law of nations. To claim merit for the mitigation of an evil which the party either had not the power, or found it inconvenient to inflict, would be a new mode of encroaching on neutral rights. Your committee think it just to remark, that this act of the British government does not appear to have been adopted in the sense in which it has been since construed. On consideration of all the circumstances attending the measure, and particularly the character of the distinguished statesman who announced it, we are persuaded that it was conceived in a spirit of conciliation, and intended to lead to an accommodation of all differences between the United States and Great Britain. His death disappointed that hope, and the act has since become subservient to other purposes. It has been made by his successors a pretext for that vast system of usurpation, which has so long oppressed and harrassed our commerce.

The next act of the British government which claims our attention, is the order of council of January 7, 1807, by which neutral powers are prohibited

trading from one port to another of France, or her allies, or any other country with which G. Britain might not freely trade. By this order the pretension of England, heretofore disclaimed by every other power, to prohibit neutrals disposing of parts of their cargoes at different ports of the same enemy, is revived, and with vast accumulation of injury. Every enemy, however great the number, or distant from each other, is considered one, and the like trade even with powers at peace with England, who, from motives of policy, had excluded or restrained her commerce, was also prohibited. In this act, the British government evidently disclaimed all regard for neutral rights. Aware that the measures authorized by it, could find no pretext, in any belligerent right, none was urged. To prohibit the sale of our produce, consisting of innocent articles, at any port of a belligerent, not blockaded; to consider every belligerent as one, and subject neutrals to the same restraints with all as if there was but one, were bold encroachments. But to restrain, or in any manner interfere with our commerce with neutral nations, with whom Great Britain was at peace, and against whom she had no justifiable cause of war, for the sole reason that they restrained or excluded from their ports her commerce, was utterly incompatible with the pacific relations subsisting between the two countries.

We proceed to bring into view the British order in council of November 11, 1807, which superseded every other order, and consummated that system of hostility on the commerce of the United States, which has been since so steadily pursued. By this order all France and her allies, and every other country at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subjected to the same restrictions, as if they were actually blockaded in the most strict and rigorous manner; and all trade in articles, the produce and manufacture of the said coun-

tries and colonies, and the vessels engaged in it, were subjected to capture and condemnation as lawful prize. To this order certain exceptions were made which we forbear to notice, because they were not adopted from a regard to neutral rights, but were dictated by policy to promote the commerce of England, and so far as they related to neutral powers, were said to emanate from the clemency of the British government.

It would be superfluous in your committee to state, that by this order the British government declared direct and positive war against the United States. The dominion of the ocean was completely usurped by it, all commerce forbidden, and every flag driven from it, or subjected to capture and condemnation, which did not subserve the policy of the British government by paying it a tribute and sailing under its sanction. From this period the United States have incurred the heaviest losses, and most mortifying humiliations. They have borne the calamities of war without retorting them on its authors.

So far your committee has presented to the view of the house, the aggressions which have been committed under the authority of the British government on the commerce of the United States. We will now proceed to other wrongs which have been still more severely felt. Among these is the impressment of our seamen, a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our revolution. Your committee cannot convey in adequate terms the deep sense which they entertain of the injustice and oppression of this proceeding. Under the pretext of impressing British seamen, our fellow citizens are seized in British ports, on the high seas, and in every other quarter to which the British power extends; are taken on board British men of war, and compelled to serve there as British subjects. In this mode our citizens are wantonly snatched from their country and

their families ; deprived of their liberty and doomed to an ignominious and slavish bondage ; compelled to fight the battles of a foreign country, and often to perish in them. Our flag has given them no protection ; it has been unceasingly violated, and our vessels exposed to danger by the loss of the men taken from them. Your committee need not remark that while this practice is continued, it is impossible for the United States to consider themselves an independent nation. Every new case is a new proof of their degradation. Its continuance is the more unjustifiable, because the United States have repeatedly proposed to the British government an arrangement which would secure to it the controul of its own people. An exemption of the citizens of the United States from this degrading oppression, and their flag from violation, is all that they have sought.

This lawless waste of our trade, and equally unlawful impressment of our seamen, have been much aggravated by the insults and indignities attending them. Under the pretext of blockading the harbors of France and her allies, British squadrons have been stationed on our own coast, to watch and annoy our own trade. To give effect to the blockade of European ports, the ports and harbors of the U. States have been blockaded. In executing these orders of the British government, or in obeying the spirit which was known to animate it, the commanders of these squadrons have encroached on our jurisdiction, seized our vessels and carried into effect impressments within our limits, and done other acts of great injustice, violence and oppression. The United States have seen with mingled indignation and surprise, that these acts instead of procuring to the perpetrators the punishment due to unauthorized crimes, have not failed to recommend them to the favor of their government.

Whether the British government has contributed by active measures to excite against us the hostility of the savage tribes on our frontiers, your committee

are not disposed to occupy much time in investigating. Certain indications of general notoriety may supply the place of authentic documents, though these have not been wanting to establish the fact in some instances. It is known that symptoms of British hostility towards the United States have never failed to produce corresponding symptoms among those tribes. It is also well known that on all such occasions, abundant supplies of the ordinary munitions of war have been afforded by the agents of British commercial companies, and even from British garrisons, where-with they were enabled to commence that system of savage warfare on our frontiers, which has been at all times indiscriminate in its effect, on all ages, sexes and conditions, and so revolting to humanity.

Your committee would be much gratified if they could close here the detail of British wrongs; but it is their duty to recite another act of still greater malignity, than any of those which have been already brought to your view. The attempt to dismember our union, and overthrow our excellent constitution by a secret mission, the object of which was to foment discontents and excite insurrection against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British government towards the United States: no act, however unjustifiable, which it would not commit to accomplish their ruin. This attempt excites the greater horror, from the consideration that it was made while the United States and Great Britain were at peace, and an amicable negotiation was depending between them for the accommodation of their differences, through public ministers regularly authorized for the purpose.

The United States have beheld with unexampled forbearance, this continued series of hostile encroachments on their rights and interests, in the hope, that yielding to the force of friendly remonstrances, often

repeated, the British government might adopt a more just policy towards them; but that hope no longer exists. They have also weighed impartially the reasons which have been urged by the British government in vindication of those encroachments, and found in them neither justification nor apology.

The British government has alleged in vindication of the orders in council, that they were resorted to as a retaliation on France for similar aggressions committed by her on our neutral trade with the British dominions. But how has this plea been supported? The dates of British and French aggressions are well known to the world. Their origin and progress have been marked with too wide and destructive a waste of the property of our fellow citizens, to have been forgotten. The decree of Berlin of November 21st, 1806, was the first aggression of France in the present war. Eighteen months had then elapsed, after the attack made by Great Britain on our neutral trade with the colonies of France and her allies, and six months from the date of the proclamation of May, 1806. Even on the 7th of January, 1807, the date of the first British order in council, so short a term had elapsed after the Berlin decree, that it was hardly possible that the intelligence of it should have reached the United States. A retaliation which is to produce its effect, by operating on a neutral power, ought not to be resorted to 'till the neutral had justified it, by a culpable acquiescence in the unlawful act of the other belligerent. It ought to be delayed until after sufficient time had been allowed to the neutral to remonstrate against the measures complained of, to receive an answer, and to act on it, which had not been done in the present instance. And when the order of November 11th was issued, it is well known that a minister of France had declared to the minister plenipotentiary of the United States at Paris, that it was not intended that the decree of Berlin should apply to the United States. It is equally well known that no

American vessel had then been condemned under it, or seizure been made, with which the British government was acquainted. The facts prove incontestibly that the measures of France, however unjustifiable in themselves, were nothing more than a pretext for those of England. And of the insufficiency of that pretext, ample proof has already been afforded by the British government itself, and in the most impressive form. Although it was declared that the orders in council were retaliatory on France for her decrees, it was also declared, and in the orders themselves, that owing to the superiority of the British navy, by which the fleets of France and her allies were confined within their own ports, the French decrees were considered only as empty threats.

It is no justification of the wrongs of one power, that the like were committed by another; nor ought the fact, if true, to have been urged by either, as it could afford no proof of its love of justice, of its magnanimity, or even of its courage. It is more worthy the government of a great nation to relieve than to assail the injured. Nor can a repetition of the wrongs by another power repair the violated rights or wounded honor of the injured party. An utter inability alone to resist, could justify a quiet surrender of our rights, and degrading submission to the will of others. To that condition the United States are not reduced, nor do they fear it. That they ever consented to discuss with either power the misconduct of the other, is a proof of their love of peace, of their moderation, and of the hope which they still indulged, that friendly appeals to just and generous sentiments would not be made to them in vain. But the motive was mistaken, if their forbearance was imputed either to the want of a just sensibility to their wrongs, or a determination, if suitable redress was not obtained, to resent them. The time has now arrived when this system of reasoning must cease. It would be insulting to repeat it. It would be degrading to hear

it. The United States must act as an independent nation, and assert their rights, and avenge their wrongs, according to their own estimate of them, with the party who commits them, holding it responsible for its own misdeeds, unmitigated by those of another.

For the difference made between Great Britain and France, by the application of the non-importation act against England only, the motive has been already too often explained, and is too well known to require further illustration. In the commercial restrictions to which the United States resorted as an evidence of their sensibility, and a mild retaliation of their wrongs, they invariably placed both powers on the same footing, holding out to each in respect to itself, the same accommodation, in case it accepted the condition offered, and in respect to the other, the same restraint if it refused. Had the British government confirmed the arrangement which was entered into with the British minister in 1809, and France maintained her decrees, with France would the United States have had to resist, with the firmness belonging to their character, the continued violation of their rights. The committee do not hesitate to declare, that France has greatly injured the United States, and that satisfactory reparation has not yet been made for many of those injuries. But, that is a concern which the United States will look to and settle for themselves. The high character of the American people, is a sufficient pledge to the world that they will not fail to settle it, on conditions which they have a right to claim.

More recently the true policy of the British government towards the United States, has been completely unfolded. It has been publicly declared by those in power, that the orders in council should not be repealed until the French government had revoked all its internal restraints on the British commerce; and that the trade of the United States with France and her allies, should be prohibited, until Great Britain was

also allowed to trade with them. By this declaration it appears, that to satisfy the pretensions of the British government, the United States must join Great Britain in the war with France, and prosecute the war until France should be subdued; for without her subjugation, it were in vain to presume on such a concession. The hostility of the British government to these states has been still further disclosed. It has been made manifest that the United States are considered by it as the commercial rival of Great Britain, and that their prosperity and growth are incompatible with her welfare. When all these circumstances are taken into consideration, it is impossible for your committee to doubt the motives which have governed the British ministry in all its measures towards the United States, since the year 1805. Equally is it impossible to doubt, longer, the course which the United States ought to pursue towards Great Britain.

From this review of the multiplied wrongs of the British government since the commencement of the present war, it must be evident to the impartial world, that the contest which is now forced on the United States, is radically a contest for their sovereignty and independence. Your committee will not enlarge on any of the injuries, however great, which have had a transitory effect. They wish to call the attention of the house to those of a permanent nature only, which intrench so deeply on our most important rights, and wound so extensively and vitally our best interests, as could not fail to deprive the U. States of the principal advantages of their revolution, if submitted to. The controul of our commerce by G. Britain in regulating, at pleasure, and expelling it almost from the ocean; the oppressive manner in which these regulations have been carried into effect, by seizing and confiscating such of our vessels, with their cargoes, as were said to have violated her edicts, often without previous warning of their danger; the impress-

ment of our citizens from on board our own vessels on the high seas, and elsewhere, and holding them in bondage till it suited the convenience of their oppressors to deliver them up, are encroachments of that high and dangerous tendency, which could not fail to produce that pernicious effect : nor would these be the only consequences that would result from it. The British government might, for a while, be satisfied with the ascendancy thus gained over us, but its pretensions would soon increase. The proof which so complete and disgraceful a submission to its authority would afford of our degeneracy, could not fail to inspire confidence, that there was no limit to which its usurpations, and our degradation, might not be carried.

Your committee, believing that the free born sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing in the measures adopted by Great Britain, a course commenced and persisted in, which must lead to a loss of national character and independence, feel no hesitation in advising resistance by force ; in which the Americans of the present day will prove to the enemy and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nation, and confidently trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms.